

Attorney Docket: 008312-0311886
Client Reference: T4MH-02S0114P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

HIDEO ANDO et al.

Confirmation Number: 1198

Application No.: **10/507,515**

Group Art Unit: 2627

Filed: February 7, 2005

Examiner: DINH, Tan X.

Title: INFORMATION RECORDING MEDIUM AND INFORMATION RECORDING
AND REPRODUCING APPARATUS AND METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed April 11, 2008, the period for reply being May 11, 2008, Applicants hereby elects the invention of Group I, claims 1-3, drawn to optical storage medium in general. This election is made with traverse.

Applicants respectfully traverse the restriction requirement because it fails to comply with M.P.E.P. §803. In particular, it is respectfully submitted that claims 1-12 in this application may be searched and examined without a serious burden. M.P.E.P. §803 states: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Underlining emphasis added)

Notably, the claims in non-elected Groups II-III include features that substantially overlap in subject matter with features recited in the claims of provisionally elected

Group I. A search for the invention in provisionally elected Group I therefore would encompass the field of search for claims in non-elected Groups II-III.

Applicants therefore respectfully request withdrawal of the Restriction Requirement as to Groups I – III and examination on the merits of all of claims 1-12 in this application.

Should the Examiner have any questions or believe that prosecution on the merits can be expedited through a telephone or personal interview, the Examiner is cordially invited to telephone Applicants' undersigned counsel.

Respectfully submitted,

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